

**Page Denied**

Next 2 Page(s) In Document Denied

DP - see p-2

November 18, 1983

## CONGRESSIONAL RECORD — HOUSE

H 10543

Campbell  
Chandler  
Clarke  
Clinger  
Coelho  
Collins  
Conable  
Conte  
Conyers  
Coyne  
Crockett  
de la Garza  
DeLums  
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Dickinson  
Dicks  
Dingell  
Dixon  
Donnelly  
Downey  
Duncan  
Dwyer  
Edgar  
Edwards (AL)  
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Eisenborn  
Evans (IL)  
Faucell  
Fazio  
Fish  
Flippo  
Foglietta  
Foley  
Ford (TN)  
Forsythe  
Frank  
Frenzel  
Frost  
Fuqua  
Garcia  
Gejdenson  
Gephardt  
Gibbons  
Gingrich  
Glickman  
Gore  
Gradison  
Gray  
Green  
Gregs  
Guarini  
Hall (IN)  
Hall (OH)  
Hamilton  
Harrison  
Hatcher  
Hayes  
Hefner  
Hefter  
Hightower  
Hillis  
Horton  
Howard

Hoyer  
Hyde  
Jeffords  
Jenkins  
Johnson  
Jones (NC)  
Kaptur  
Kazen  
Kemp  
Kennelly  
Kildee  
Kindness  
Kogovsek  
Kostmayer  
LaFalce  
Lehman (CA)  
Leland  
Lent  
Levin  
Levine  
Lipinski  
Livingston  
Loeffler  
Long (LA)  
Lott  
Lowery (CA)  
Lundine  
Markley  
Martin (NC)  
Matsui  
Mavroules  
Mazzoli  
McCain  
McCloskey  
McDade  
McHugh  
McKernan  
McKinney  
McNulty  
Mica  
Michel  
Mikulski  
Mineta  
Mitchell  
Moakley  
Mollohan  
Morrison (CT)  
Morrison (WA)  
Murtha  
Nowak  
O'Brien  
Oberstar  
Olin  
Ottinger  
Oxley  
Panetta  
Parris  
Pease  
Pepper  
Perkins  
Pickle  
Porter  
Price

Quillen  
Rahall  
Rangel  
Ratchford  
Reid  
Robinson  
Rodino  
Roe  
Rose  
Rostenkowski  
Rowland  
Roybal  
Babo  
Savage  
Sawyer  
Scheuer  
Schneider  
Schumer  
Seiberling  
Shannon  
Siskaki  
Skelton  
Smith (FL)  
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Smith (NE)  
Smith (NJ)  
Snowe  
Solarz  
Spratt  
St Germain  
Staggers  
Stangeland  
Stark  
Stokes  
Stratton  
Studds  
Sundquist  
Swift  
Synar  
Thomas (GA)  
Torres  
Towns  
Udall  
Vander Jagt  
Vento  
Volkmer  
Waxman  
Weiss  
Wheat  
Whitehurst  
Whitley  
Whitten  
Williams (OH)  
Wirth  
Wolf  
Wright  
Wyllie  
Yates  
Young (MO)  
Zablocki  
Zachau

MacKay  
Marlenee  
Marriott  
Martin (IL)  
Martin (NY)  
McCandless  
McCollum  
McCurdy  
McEwen  
McGrath  
Miller (CA)  
Mollinari  
Montgomery  
Moody  
Moore  
Moorhead  
Mrazek  
Murphy  
Myers  
Natcher  
Neal  
Nelson  
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Oakar  
Obey  
Owens  
Packard  
Pashayan

Patman  
Patterson  
Penny  
Petri  
Purcell  
Ray  
Regula  
Richardson  
Ritter  
Roberts  
Roemer  
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Roth  
Russo  
Schaefer  
Schroeder  
Schulze  
Sensenbrenner  
Shaw  
Shelby  
Shumway  
Shuster  
Sikorski  
Siljander  
Skeen  
Slattery  
Smith, Denny  
Smith, Robert

Snyder  
Solomon  
Spence  
Stenholm  
Stump  
Tallion  
Tauke  
Tausin  
Thomas (CA)  
Torricelli  
Traxler  
Valentine  
Vandergriff  
Vucanovich  
Walker  
Watkins  
Weaver  
Weber  
Whittaker  
Wilson  
Winn  
Wise  
Wolpe  
Wortley  
Wyden  
Yatron  
Young (AK)  
Young (FL)

## NOT VOTING—34

Annunzio  
Bevill  
Clay  
Cooper  
Corcoran  
D'Amours  
Dymally  
Emerson  
Ferraro  
Ford (MI)  
Hance  
Hansen (UT)

Hawkins  
Holt  
Lehman (FL)  
Lewis (CA)  
Mack  
Madigan  
Martinez  
Miller (OH)  
Minish  
Nichols  
Ortiz  
Paul

Pritchard  
Ridge  
Rinaldo  
Roukema  
Rudd  
Sharp  
Simon  
Taylor  
Walgren  
Williams (MT)

□ 1620

The Clerk announced the following pairs:

On this vote:

Mr. Hawkins for, with Mr. D'Amours against.

Mr. Minish for, with Mr. Nichols against.

Mr. Martinez for, with Mr. Mack against.

Mr. Madigan for, with Mr. Emerson against.

Mr. Pritchard for, with Mr. Taylor against.

Mr. Cooper for, with Mr. Hansen of Utah against.

Messrs. HERTEL of Michigan, BRYANT, AuCOIN, and BIAGGI changed their votes from "yea" to "nay."

So the conference report was agreed to.

The result of the vote as announced was above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

(Mr. CONABLE asked and was given permission to address the House for 1 minute.)

Mr. CONABLE. Mr. Speaker, on the night of Wednesday, November 16, rollcall 513, House Resolution 190, sense of the House resolution to retain guidelines which insure equal rights with respect to educational opportunity, I am recorded as not voting.

I sincerely believe I was here and that I voted. It is a matter of some interest in my home and my credibility is at stake.

Mr. Speaker, I ask unanimous consent that my statement that I would have voted "aye" on this proposal

appear in the permanent RECORD at the appropriate place.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

## CONFERENCE REPORT ON H.R. 2968, INTELLIGENCE AUTHORIZATION ACT, 1984

Mr. BOLAND. Mr. Speaker, under the previous order of the House, I call up the conference report on the bill (H.R. 2968) to authorize appropriations for the intelligence and intelligence-related activities of the United States Government. For the intelligence community staff, for the Central Intelligence Agency retirement and disability system, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Pursuant to the order of the House of November 15, 1983, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER. The gentleman from Massachusetts (Mr. BOLAND) will be recognized for 30 minutes and the gentleman from Virginia (Mr. ROBINSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this conference report resolves all differences between the House and Senate on figures and personnel levels for the intelligence and intelligence-related activities of the United States intelligence community.

The dollar amounts and personnel levels set by the conference report are contained in the classified schedule of authorizations which, along with a classified annex to the statement of managers, is not available at the offices of the intelligence committee for review by any Member of the House.

We reached that agreement without significant controversy and in a spirit of cooperation.

However, I am certain that Members will be most interested in what this conference report determines with regard to Nicaragua.

Mr. Speaker, the conferees bring back a bill that permits \$24 million to be spent on the covert action in Nicaragua in fiscal year 1984.

As you all know, I believe this paramilitary action in Nicaragua is illegal, unwise, counterproductive, and against the best interest of the United States.

I, and the majority of the House conferees, would have preferred that the covert action be stopped.

This was the position of the House of Representatives.

Just as clearly, it was the position of the Senate conferees and of the Senate, that the action should be per-

## NAYS—186

Albosta  
Anderson  
Andrews (TX)  
Applegate  
Archer  
AuCoin  
Badham  
Barnard  
Bartlett  
Bates  
Bennett  
Bereuter  
Biaggi  
Blirakis  
Boer  
Bosco  
Boucher  
Britt  
Brown (CO)  
Bryant  
Burton (IN)  
Byron  
Carney  
Carper  
Carr  
Chappell  
Chappie  
Cheney  
Couts  
Coleman (MO)  
Coleman (TX)  
Coughlin  
Courtier  
Craig

Crane, Daniel  
Crane, Philip  
Daniel  
Dannemeyer  
Darden  
Daschle  
Daub  
Davis  
DeWine  
Dorgan  
Dowdy  
Dreier  
Durbin  
Dyson  
Early  
Eckart  
Edwards (OK)  
English  
Erdreich  
Evans (IA)  
Feighan  
Fiedler  
Fields  
Florio  
Fowler  
Franklin  
Gaydos  
Gekas  
Gilman  
Gonzalez  
Goodling  
Gramm  
Gunderson  
Hall, Ralph

Hall, Sam  
Hammerschmidt  
Hansen (ID)  
Harkin  
Hartnett  
Hertel  
Hiller  
Hopkins  
Hubbard  
Huckaby  
Huckaby  
Hughes  
Hunter  
Hutto  
Ireland  
Jacobs  
Jones (OK)  
Jones (TN)  
Kasich  
Kastenmeier  
Kolter  
Kramer  
Lagomarsino  
Lantos  
Latta  
Leach  
Leath  
Levitas  
Lewis (FL)  
Lloyd  
Long (MD)  
Lowry (WA)  
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Executive Registry

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H 10544

## CONGRESSIONAL RECORD — HOUSE

November 18, 1983

mitted to continue—and that when appropriated funds ran out, the CIA could utilize the reserve for contingencies unless both intelligence commitments disapproved.

We could have forced a deadlock—and killed both the intelligence authorization bill and the defense appropriation bill.

But the CIA would still have been able to fund the covert action from the continuing resolution and from the reserve for contingencies—and would have had available to it much more than \$24 million.

Instead, we agreed to a compromise—a \$24 million cap on funding from whatever source.

Let me assure my colleagues in the House, that this is a clear limitation on the covert action, although of course it does not stop it.

And, let me assure the administration and the Central Intelligence Agency, that the clear sentiment expressed on both sides of the aisle in both intelligence committees, is that this war can no longer continue as if it were "business as usual." I believe a growing majority believes it must be brought to a close.

I would hope that the administration responds to this message and that all of the \$24 million is not spent.

But if it is, I for one, will vigorously oppose any further appropriation.

Further, those who may contemplate asking next year for further funds on the grounds that they are needed to safely withdraw those whom we support, should think twice about such a stratagem.

It will be seen for what it is—an insult to the Congress.

That withdrawal should begin now.

Mr. Speaker, I reserve the balance of my time.

Mr. ROBINSON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROBINSON asked and was given permission to revise and extend his remarks.)

Mr. ROBINSON. Mr. Speaker, I want to express my appreciation to the chairman and all the conferees that worked to insure that we would have an intelligence authorization bill for fiscal year 1984. As most of you know, it has been no small task to resolve the differences between the House and the position of the other body. Again, I want to express my sincere appreciation to Chairman BOLAND for, again, demonstrating the leadership and dedication necessary to insure a continued and effective authorizing process regarding our intelligence programs.

The vast majority of intelligence resource support programs have nothing to do with the so-called covert or special activities which have received so much public attention. Although details of these major intelligence programs must, for the most part, remain secret, we should not lose sight of their contribution to national security

in providing policymakers foreign intelligence crucial to our country's ability to meet the challenges facing us.

I fully support our continuing policy not to disclose publicly the amounts of these requested funds and therefore, I cannot discuss specific conference recommendations. Such details are contained in the classified annex to the conference report, which along with the classified schedule of authorizations referred to in the bill, is available for review by Members of the House.

The conference report generally supports the funding levels requested by the President but we were not persuaded that all of the specific programs were fully warranted. We did not give the intelligence community everything they requested, there were substantial cuts in personnel increases and in other areas where the committee felt cuts would contribute to a more effective utilization of our tax dollars. The committee's recommendations would delete or defer certain programs and in other cases would somewhat increase program funding.

I am pleased to add that while the authorization levels recommended by the conference report are consistent with funding targets adopted in the first budget resolution, the conference recommendations will allow some real growth necessary in the intelligence programs.

The most controversial issue of the conference related to the restrictions on paramilitary activities in Nicaragua. The conference agreed to cap the amount of funds which could be spent from any source, for this paramilitary activity. I believe this compromise represents significant movement for both Houses. As a result, no additional funding could be made available for the Nicaragua activity unless additional authorization and/or appropriations are approved by both Houses. This agreement was reached only after lengthy discussion and debate between the House and Senate conferees. This agreement represents a reasonable and responsible approach to the issue.

I believe, on the whole, this bill, provides for a well-balanced intelligence program essential to our national security and foreign policies. Whether questions involve the negotiating arms reductions, dealing with expanding communist influence on every continent, or coping with the political and economic realities of today's extremely volatile world, demands for high quality and timely intelligence will continue to proliferate.

I fully support the conference report and ask my colleagues to join with me and adopt this measure.

Mr. BOLAND. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Speaker, I thank my distinguished colleague for yielding and I ask for the time to request the gentleman to explain to us how

the covert action authorization was resolved.

Mr. BOLAND. I appreciate the question of the gentleman from New York. That is a question in which a lot of the Members of this House are interested.

Let me say that the Defense appropriations conference and the intelligence conference agreed on \$24 million for the covert operation in Nicaragua. That expenditure will carry that activity—at present rates of expenditure—through June 1984.

If that is the case, additional funding will be required, as I understand it. The administration must then come to the Congress, to the Intelligence Committee and the Appropriations Committee, to request additional funding. At that time, the House will have an opportunity to vote such a request up or down.

Let me say to the gentleman from New York that a failure to approve this particular conference report and failure to approve the Defense appropriations conference report that we voted on just a short while ago would have resulted in a substantial amount of money being available for this particular activity. In addition to the \$19 million that was requested for fiscal year 1984, there are some carryover funds in the reserve for contingencies from 1983 to 1984, plus the requested amount for the reserve for contingencies in 1984, with the result that the amount of money that would have been available for this activity in fiscal year 1984 would have been substantially higher than the \$24 million that is in this conference report. Why? Because the intelligence community could have dipped into the reserve for contingencies and used almost that entire funding to carry on the covert action in Nicaragua.

We have prevented that result both in the intelligence authorization bill and also on the DOD appropriations bill by placing an absolute cap of \$24 million on this activity. They can get no more money anywhere else. So the \$24 million is the top figure, the only figure. They cannot go into the reserve for contingencies. They cannot expend any additional funding for this activity until they make a request to the Congress in a supplemental appropriations bill. We will have the opportunity at that time to approve or disapprove that request.

That substantially is the recommendation of both the DOD appropriations conference committee and the intelligence conference committee.

Mr. WEISS. Would the gentleman answer one further question?

Mr. BOLAND. Yes.

Mr. WEISS. Am I correct then in assuming on the basis of the gentleman's explanation that the Boland-Zablocki concept is no longer operative, that is, covert action is no longer prohibited.

November 18, 1983

## CONGRESSIONAL RECORD — HOUSE

H 10545

Mr. BOLAND. The gentleman is absolutely correct. There was no chance that the Boland-Zablocki bill would even be taken up in the Senate, despite the fact we passed it twice here in the House. That was the sticking point. The Senate would not accept it.

□ 1630

I think that our insistence that additional funding for this operation must be voted on by the House was a giant step in the right direction of at least controlling the expenditure. We likely will have an opportunity to get another look at this sometime in June 1984. We intend to monitor this program substantially and closely in the months ahead.

Mr. WEISS. I thank the gentleman for his explanation.

Mr. Speaker, I intend to vote against the authorization.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield for a question?

Mr. BOLAND. I yield to the distinguished gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, the only reason I importune the gentleman is to ask him if there is anything in this authorization concerning the National Security Agency.

Mr. BOLAND. Yes; there is. There would be a substantial amount of money in here for NSA. Of course, that is one of the most important elements of the intelligence community. So there is a substantial amount of money in here. As the gentleman knows, that particular figure is classified, but it has been carried in every authorization bill since this committee was established 6 years ago.

Mr. GONZALEZ. The reason I am asking is that I have very, very troubling and disturbing information conveyed to me confidentially in which I understand that conversations are monitored—say, I receive a long-distance call from Mexico or anyplace outside the United States, particularly south of the border, that that conversation is monitored by the National Security Agency.

This is most disturbing. I do not know what authorization there is in the law for that. And I do not know if the gentleman is aware of that, or if it is true or not.

Mr. BOLAND. I appreciate the question of the gentleman. The gentleman from Massachusetts and the gentleman from Virginia are completely aware of the activities of the NSA. Insofar as those activities involve electronic surveillance in the United States, they are controlled under the Foreign Intelligence Surveillance Act. The act requires a warrant from the Foreign Intelligence Surveillance Court that was established when the act was passed back in 1978. The NSA has to go to that court to get a warrant to monitor anyone's telephone conversations in the United States. In the case of communications not covered by the act, the identify of and in-

formation concerning any American citizen must not be used unless it constitutes foreign intelligence or counterintelligence information. This process is called minimization and minimization procedures are utilized by the National Security Agency as approved by the Foreign Intelligence Surveillance Court and the Attorney General. This process applies to all communications intercepted by the NSA.

Mr. GONZALEZ. The reason it is disturbing is that my information is that this is being done systematically with or without a court order.

Mr. BOLAND. No; the answer to that would be no. It is not done systematically without a court order. That answer is a definite "No."

Mr. GONZALEZ. I thank the gentleman.

Mr. BOLAND. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to. A motion to reconsider was laid on the table.

#### REQUEST FOR CONSIDERATION OF SENATE AMENDMENTS TO HOUSE AMENDMENTS TO S. 589, AUTHORIZING CAPITAL IMPROVEMENT PROJECTS ON GUAM

Mr. WON PAT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 589) to authorize \$15,500,000 for capital improvement projects on Guam, and for other purposes, with Senate amendments to the House amendment thereto, and concur in the Senate amendments to the House amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendment, as follows:

(For Senate amendments to House amendment, see subsequent pages of the RECORD of this date.)

Mr. WON PAT (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments to the House amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Guam?

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, will the gentleman briefly tell the House what the Senate amendments would do?

(Mr. WON PAT asked and was given permission to revise and extend his remarks.)

Mr. WON PAT. Mr. Speaker, if the gentleman will yield, the Senate made relatively minor amendments to our major amendment of S. 589. The other body essentially agreed to the House's bipartisan development of the initial Senate bill into the omnibus insular areas assistance bill of 1983. They

made only a couple of modifications and a few additions.

The three new provisions are worthwhile and, I understand, supported by the administration.

The most important would resolve a problem that has resulted from the long delay in terminating our United Nations Pacific islands trusteeship. This is the inconvenience and discrimination the people of the Northern Mariana Islands have been subjected to because they still have not received the U.S. citizenship promised them in their covenant.

The reason they have not is that Public Law 94-241, which approved the establishment of our newest territory, linked the granting of citizenship to termination of the trusteeship which still covers the Northern Mariana Islands insofar as the United Nations is concerned.

When the covenant was approved, no one anticipated that it would take so long to resolve the future political status of the other entities of the trust territory and, thus, for the promised citizenship to be actually granted.

The Senate amendments would not confer citizenship earlier than termination of the trusteeship. What they would do is prevent further incidences of inconvenience or discrimination until citizenship is actually granted.

This would be accomplished by exempting Northern Marianas citizens from certain U.S. citizenship or nationality requirements in law regarding compensation, employment, Federal services and financial assistance. The President would also be authorized to make other exemptions from laws identified by the Northern Mariana Islands Commission on Federal Laws. If he does not act, U.S. citizenship or nationality requirements would not apply to Northern Marianas citizens in laws that apply to the territory, with certain limitations.

Another new provision would extend article VI, clause 3 of the Constitution to the Virgin Islands. This would require the territory's officeholders to take the same oath of support for the Constitution as do Federal and State officeholders. This would be in lieu of the oath currently required by the Revised Organic Act which would be repealed by this bill.

The third new provision would clarify that certain provisions of territorial law, intended to deal with Indians in Western Territories, do not apply to the current insular territories.

It would also repeal a number of other archaic provisions of territorial law.

The two modifications of the House's amendment made by the Senate are also acceptable to its bipartisan sponsors.

The primary change in one is imperative because of impending but unnecessary legal action. The language is needed to permit the Environmental Protection Agency not to take action

Executive Registry

**Page Denied**

Next 1 Page(s) In Document Denied